

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

UBS AG, UBS (LUXEMBOURG) S.A., UBS
FUND SERVICES (LUXEMBOURG) S.A., UBS
THIRD PARTY MANAGEMENT COMPANY
S.A., M&B CAPITAL ADVISERS SOCIEDAD
DE VALORES, S.A., RELIANCE
INTERNATIONAL RESEARCH LLC,
LUXEMBOURG INVESTMENT FUND AND
LUXEMBOURG INVESTMENT FUND U.S.
EQUITY PLUS, as represented by their Liquidators
MAÎTRE ALAIN RUKAVINA and PAUL

Adv. Pro. No. 10-05311 (SMB)

NOTICE OF APPEAL

LAPLUME, MAÎTRE ALAIN RUKAVINA and
PAUL LAPLUME, in their capacities as liquidators
and representatives of LUXEMBOURG
INVESTMENT FUND AND LUXEMBOURG
INVESTMENT FUND U.S. EQUITY PLUS, and
LANDMARK INVESTMENT FUND IRELAND,

Defendants.

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually, hereby appeals to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 158(d)(2), from each and every aspect of the final judgment annexed hereto as Exhibit 1 (the “Final Judgment”) of the Honorable Stuart M. Bernstein of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), entered in the above-captioned adversary proceeding (the “Adversary Proceeding”), *Picard v. UBS AG*, Adv. Pro. No. 10-05311 (SMB) (Bankr. S.D.N.Y. March 9, 2017), ECF No. 245, and in the main adversary proceeding, *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y. Mar. 9, 2017), ECF No. 15210, including without limitation the following:

1. Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers of the Bankruptcy Court (Bernstein, J.), dated November 22, 2016 (attached as Exhibit A to the Final Judgment), resulting in the dismissal of all of the Trustee’s claims against defendants UBS AG, UBS (Luxembourg) S.A., UBS Fund Services (Luxembourg) S.A., UBS Third Party Management Company S.A., and M&B Capital Advisers Sociedad de Valores, S.A. (collectively, “Appellees”) in this Adversary Proceeding. *Id.*, ECF No. 14495;

2. Opinion and Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated July 6, 2014 (annexed hereto as Exhibit 2). *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re Madoff Sec.)*, No. 12-mc-115 (JSR) (S.D.N.Y. July 7, 2014), ECF No. 551;

3. The Order of the United States District Court for the Southern District of New York (Rakoff, J.) dated May 11, 2013, where applicable (annexed hereto as Exhibit 3). *Id.*, ECF No. 468; and

4. The Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated June 6, 2012, where applicable (annexed hereto as Exhibit 4). *Id.*, ECF No. 167.

The names of the relevant parties to the Final Judgment appealed, and the contact information of their attorneys, are as follows:

Trustee / Appellant	Counsel for Trustee / Appellant
Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff	BAKER & HOSTETLER LLP 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 David J. Sheehan Email: dsheehan@bakerlaw.com

Defendants / Appellees	Counsel for Defendants / Appellees
M&B Capital Advisers Sociedad de Valores, S.A.	JENNER & BLOCK LLP 919 Third Avenue, 38th Floor New York, New York 10022 Telephone: (212) 891-1601 Facsimile: (212) 891-1699 Richard B. Levin Email: rlevin@jenner.com

Defendants / Appellees	Counsel for Defendants / Appellees
UBS AG	GIBSON, DUNN & CRUTCHER LLP
UBS (Luxembourg) S.A.	200 Park Avenue
UBS Third Party Management Company S.A.	New York, New York 10166
UBS Fund Services (Luxembourg) S.A.	Telephone: (212) 351-4000
	Facsimile: (212) 351-4035
	Marshall R. King
	Email: mking@gibsondunn.com
	Gabriel Herrmann
	Email: gherrmann@gibsondunn.com

The names of all relevant parties to the Adversary Proceeding, not party to this appeal, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Defendants	Counsel for Defendants
Luxembourg Investment Fund, as represented by its liquidators Maître Alain Rukavina and Paul Laplume	PORZIO, BROMBERG & NEWMAN, P.C.
Luxembourg Investment Fund U.S. Equity Plus, as represented by its liquidators Maître Alain Rukavina and Paul Laplume	156 W. 56th Street, Suite 830
Maître Alain Rukavina & Paul Laplume, in their capacity as liquidators of Luxembourg Investment Fund and Luxembourg Investment Fund U.S. Equity Plus	New York, New York 10019
	Telephone: (212) 265-6888
	Facsimile : (212) 957-3983
	Brett S. Moore
	Email: bsmoore@pbnlaw.com
Landmark Investment Fund Ireland	CHADBOURNE & PARKE LLP
	1301 Avenue of the Americas
	New York, New York 10019
	Telephone: (212) 408-5100
	Facsimile: (212) 541-5369
	Thomas J. Hall
	Email: thall@chadbourne.com

Defendant	Counsel for Defendant
Reliance International Research LLC	SEWARD & KISSELL LLP One Battery Park Plaza New York, New York 10004 Telephone: (212) 574-1200 Facsimile: (212) 480-8421 Mark J. Hyland Email: hyland@sewkis.com Michael B. Weitman Email: weitman@sewkis.com

PLEASE TAKE FURTHER NOTICE that the Trustee and Appellees in this Adversary Proceeding have agreed pursuant to 28 U.S.C. § 158(d)(2)(A)(iii) to certify this appeal to the United States Court of Appeals for the Second Circuit. Accordingly, subsequent to the filing of this Notice of Appeal, the Trustee and Appellees will file an Official Bankruptcy Form 424 certifying this appeal.

PLEASE TAKE FURTHER NOTICE that if the United States Court of Appeals for the Second Circuit does not authorize a direct appeal, the Trustee hereby appeals the Final Judgment, in the alternative, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 158(a)(1).

Dated: March 16, 2017
New York, New York

By: /s/ David J. Sheehan
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*